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Chairman: Mrs. ESPINOSA (Mexico)

CONTENTS

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (Parts I and II), 81, 87, 90, 114 and 204, A/51/208-S/1996/543, A/51/210 and A/51/462-S/1996/831; A/C.3/51/9)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/51/153, 170, 201, 395, 453 and Add.1, 457, 480, 506, 536, 539, 542 and Add.1 and Add.2, 552, 555, 558, 561, 641 and 650; A/C.3/51/6)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/51/80-S/1996/194, A/51/189, A/51/203-E/1996/86, A/51/204, 271, 347, 459, 460, 466, 478, 479, 481, 483 and Add.1 and Add.2, 490, 496 and Add.1, 507, A/51/532-S/1996/864, A/51/538, 556, 557, 651, 657, 660, 663 and 665; A/C.3/51/3, 8 and 10-13)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mr. HAMMARBERG (Special Representative of the Secretary-General for Human Rights in Cambodia), reporting to the Committee, said that his mandate was to maintain contact with the Government and people of Cambodia, to guide and coordinate the United Nations human rights presence in Cambodia and to assist the Government in the promotion and protection of human rights. During his mission to Cambodia he had had meetings with leading representatives of the Administration and the judiciary, parliamentarians, members of civil society and non-governmental organizations working to promote human rights.

2. The existence in Cambodia of an office of the United Nations Centre for Human Rights and its collaboration with other United Nations agencies such as the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) had made it possible to coordinate activities and had contributed significantly to the progress made. The aim of the direct discussions with the Government was to assist it to develop a human rights culture and build effective safeguards against violations. Technical and financial support from the international community was necessary to improve the situation.

3. The Cambodian Constitution explicitly protected the rights of the child. A Cambodian National Council for the Children, with non-governmental participation, had been set up to coordinate child-related programmes. Human rights education had been incorporated in the curricula of the primary and secondary schools, and the Government was drafting a report on the implementation of the Convention on the Rights of the Child, and maintaining constructive cooperation with UNICEF. However, child prostitution and

trafficking in children were becoming a serious problem. A law providing heavy sentences for kidnapping, trafficking, sale and exploitation of human beings had been adopted but had not yet entered into force for lack of a detailed implementing decree. The attempts made to combat child prostitution were being undermined by private interests. There was therefore a need for an awareness campaign to fight against that abuse, for which international cooperation was required.

4. Many children were the casualties of land mines, which beyond the deaths and injuries they caused, had serious repercussions on the economy. Despite admirable mine-clearance efforts, there was much work ahead and international support was indispensable. Although the Government had stopped importing anti-personnel mines, no law prohibiting the production, stockpiling and use of land mines had yet been adopted.

5. The functioning of the justice system was another basic problem. The courts were badly equipped and judges badly paid, which endangered their independence. In order to raise professional standards in the field of human rights and the administration of justice, the Center for Human Rights ran a judicial mentor programme providing judges with training that the Government would like to have extended also to local civilian and military police, prison personnel and local authorities.

6. The judiciary had to deal with the challenge of impunity. De facto impunity seemed to stem from the entrenched power of the armed forces and the police. De jure impunity stemmed from a 1994 civil service law, article 51 of which stipulated that except in cases of flagrante delicto, no civil servant could be arrested or prosecuted for any crime without the prior consent of the Government or of the minister concerned. Article 51 had been found contrary to the basic principle of equality of all persons under the law. It was therefore significant that the Second Prime Minister in the Administration had indicated that he supported its repeal.

7. Some structural problems also needed to be addressed. The Supreme Council of Magistracy, which had been set up in 1994 to appoint, transfer and discipline judges and prosecutors, had yet to meet, and no law had been drafted to define the organization and operation of the Constitutional Council. As a result, there was no legal forum in Cambodia to determine the constitutionality of various proposed laws.

8. Both major parties in the Government had made unequivocal statements that the coming national and municipal elections in 1998 would be free and fair, and had asked the armed forces and members of the electoral commission to remain neutral. All the political parties would have free access to the media, the confidentiality of the balloting would be guaranteed, and national and international non-governmental organizations would be able to send observers. Nonetheless, Cambodia ought to adopt laws concerning the electoral code, the right to form a political party and the Constitutional Council. An independent electoral commission was indispensable for the conduct of the elections and would allow political violence to be averted. Some of the opposition parties and some journalists had been attacked and intimidated, yet no suspects had been identified, arrested or prosecuted.

9. In spite of the enormous difficulties inherited from the past, Cambodia was developing and building for the future. Most parts of the country were at peace, and dynamic non-governmental organizations were taking part in the effort. However, the situation was fragile, and the coming elections would be both a challenge and a difficult test for the country.

10. Mr. VAN DER STOEL (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq) informed the Committee that the indiscriminate bombardment and the tank assault against civilian settlements by Iraqi troops, as well as the wave of arbitrary arrests and summary executions and the massacres that had followed, had caused many deaths and injuries and a great deal of damage in northern Iraq, where the Iraqi security services had become entrenched, to the great fear of the population. The use of excessive force on that occasion, clearly on the orders of the Iraqi Government, was in violation of the norms of international law and international human rights instruments.

11. Respect for the right of the Iraqi population to food and adequate health care was also called into question by the rationing system set up by the Government, which protected the elite of the Baath Party and the Iraqi military, but served as a way of subjugating the population to discourage any opposition and retaliating against the population in the south of the country, which was suspected of being hostile to the Iraqi regime. Such practices were contrary to the obligations undertaken by Iraq under international humanitarian law, which prohibited all discrimination with regard to access to food and health care. Noting with interest the announcement, on 12 September 1996, that the internal embargo imposed by the Government against the north had been lifted, an embargo which it had always denied before, the Special Rapporteur said that, in view of the Government's record, the United Nations was entitled to call for the establishment of an independent monitoring mechanism for the implementation of Security Council resolution 986 (1995) and, in particular, of the "food for oil" formula (which, after years of delay, the Iraqi Government had finally decided to accept), in order to ensure that the food thus obtained went to those most in need of it. While, under the memorandum of understanding signed by the United Nations and Iraq in order to permit the sale of billions of dollars of oil in order to purchase the food and medicine which the Iraqi population desperately needed, the United Nations duly acknowledged Iraqi sovereignty over its territory and resources, Iraq, in turn, should accept the stationing of an adequate number of qualified monitors throughout the country with complete freedom of movement.

12. With regard to the nature of the Iraqi political regime, the Special Rapporteur said that the March 1996 elections had provided further evidence that the basis of authority of Iraq was not the general will of the people since the candidates in those elections had been chosen by States bodies and all elected deputies had had to swear their support for the principles of the Baath Party. Furthermore, the 30 deputies representing northern Iraq had not been elected by the population, but had been appointed by the President of the Republic, who, as the President of the Republic, Chairman of the Revolution Command Council, Commander-in-Chief of the Armed Forces, Secretary-General of the Baath Party and head of security, held all the power in the country.

13. Referring to the systematic use of enforced disappearances by the Iraqi regime to instil fear in every citizen, the Special Rapporteur said that there were 17,000 individual cases of disappearance from all over the country and over 600 cases of Kuwaiti and third-country nationals who were still missing six years after they had been arrested by the Iraqi forces occupying Kuwait. In the vast majority of cases, the Iraqi Government had not seen fit to respond to requests for information by the families, who were confronted with uncertainty about the fate of their disappeared relatives. The United Nations should not allow the Government of Iraq to ignore so brazenly its obligations under international law.

14. Pending the submission of his more detailed and comprehensive final report to the fifty-third session of the Commission on Human Rights, the Special Rapporteur concluded that, in order to put an end to the suffering of the population and enable it to enjoy its economic, social and cultural rights, the Iraqi Government must immediately cease its repression, abrogate its cruel laws, dismantle its security apparatus and cooperate with the United Nations to implement the Security Council resolutions and particularly the "food for fuel" formula without further delay in order to promote peace and security in the country and the region.

15. Mr. AL-HUMAIMIDI (Iraq) expressed regret that the Special Rapporteur had merely repeated the same accusations that were as resolutely hostile to Iraq as those of previous years, instead of demonstrating the non-selectivity, impartiality and objectivity required of his position, as indicated in General Assembly resolution 50/174.

16. Refuting the so-called reliable sources of the Special Rapporteur as being linked to other States or in the pay of the United States secret services, the representative of Iraq said that the accusations concerning the violation of the political and civil rights of the Iraqi population by means of laws imposing cruel and inhuman penalties, which those sources had reported, were totally groundless since those laws had been repealed, as the Centre for Human Rights and other international bodies could confirm. Those accusations as well as the references by the Special Rapporteur to the nature of the political regime in Iraq were based on an obvious desire to tarnish the country's reputation. How else could one explain the refusal by the Special Rapporteur to recognize the good will of the Iraqi Government demonstrated by the fact that it had declared a general amnesty in the Kurdish autonomous region, pardoned persons sentenced to death, set up people's councils and organized a referendum to designate the President of the Republic in order to strengthen respect for human rights and democracy in the country.

17. In reply to the accusations concerning the right to food and adequate health care, his delegation stressed once again that the system for rationing basic products introduced in 1990 because of the economic sanctions imposed against Iraq applied to all Iraqi citizens without exception or discrimination, which the United Nations missions that had travelled to Iraq and several reports by international organizations could confirm. The delay in implementing Security Council resolution 986 (1995) and particularly the "food for oil" formula was explained by the slow pace of the negotiations on the signing of a memorandum of understanding between the United Nations and Iraq, which was due to the endless interference and delaying manoeuvres by the United States

authorities, who had aggravated the sufferings of the Iraqi people and infringed their basic rights, particularly the right to life, personal security, food and adequate health care, education and other social services, all the while casting the blame on the Iraqi Government.

18. As for the situation in the northern part of the country and particularly the arbitrary detention and arrests and the bombardment, of which the civilian population had allegedly been the victim, the representative of Iraq explained that, although the central Government had intervened, it had done so at the express request of one of the two Kurdish parties, within the framework of a short-term and limited operation which had caused no civilian victims, as the independent monitors and officials of the United Nations in the field could confirm. On the other hand, the missile attached launched in retaliation by the United States in the southern region of the country causing substantial loss of life, an attack that had been condemned by the international community, constituted a violation of the inalienable right of the Kurdish people to express freely their will without foreign interference and was part of a deliberate campaign by the United States authorities aimed at bringing about the disintegration of the Iraqi State and undermining the national unity and territorial integrity of a sovereign State.

19. Mr. DEGNI-SEGUI (Special Rapporteur of the Commission on Human Rights) said that he had been on mission to Rwanda from 18 to 21 October 1996 in order to investigate the genocide, human rights violations and the problem of the return of the refugees.

20. The genocide gave rise to two distinct possibilities: the investigation of it and the legal action taken against the perpetrators. The investigation had been conducted on two levels: the first, consisting in determining the profound causes of the hostilities, which were at once political, historical, economic, social and cultural; and the second, which concerned the particular situation of vulnerable groups, namely women (the victims of rape, which had been a weapon of war with all the resulting psychological and social turmoil), children, who had frequently been used by the belligerents as instruments for carrying out their crimes but were also innocent victims, and the Twa minority group, which had been the target of the two parties to the conflict.

21. As far as proceedings were concerned, despite very modest achievements (the International Tribunal for Rwanda had begun the trials on 26 September 1996, Rwandan courts had been re-established, States of asylum had initiated proceedings against the presumed perpetrators), it should be noted that only 25 out of 400 suspects had been indicted and that none of the presumed perpetrators had been brought to trial. The basic reason for that situation was the failure of States providing refuge to the presumed perpetrators to cooperate, despite the recommendations to that effect in Security Council resolution 978 (1995). Such failure to prosecute the presumed perpetrators of the genocide was morally and socially unacceptable to the international community in general and to the victims of the genocide in particular. That distressing situation was compounded by the concern over the increase in human rights violations. It was true that violations of property rights were declining, with disputes over vacant property being estimated by the country's authorities at 10 per cent. Moreover, such disputes were basically limited to the large towns and to the region of Bugesera. That improvement was attributable to the construction of

dwellings and the management of vacant property by the burgomasters who rented it to repatriated former refugees. However, the situation could be complicated by a massive return of people.

22. Violations of the freedom of expression took the form of censorship, intimidation, violations of physical integrity, abductions and assassinations.

23. There was a relative decline in the violations of the right to personal security (arbitrary arrests and detentions of persons accused of participation in the genocide), interspersed with two periods of political tension which had led to a wave of arrests. First, the April/May 1996 round of censuses had touched off a hunt for the perpetrators of the genocide. Second, there had been the July/August searches aimed at finding and arresting infiltrators, pursuant to the Act of 8 September 1996 amending the Code of Penal Procedure, based on article 4 of the International Covenant on Civil and Political Rights, to legalize the practice of arbitrary arrests and detentions. Despite the construction of prisons and the rehabilitation of existing detention centres, such arrests had worsened overcrowding in prisons, triggering a more than threefold increase in the number of inmates.

24. Violations of the right to physical integrity and to life, which had declined somewhat in 1996, had increased from June onwards because of the activities of infiltrators, who had carried out acts of sabotage and assassinations, and had laid mines, and because of the brutal response of Rwandan Patriotic Army (APR) forces (rounding up of people, abductions, summary executions, and even massacres). The conflict between APR and the infiltrators had created a situation of insecurity along the borders with Zaire.

25. The problems of the return of the refugees jeopardized the new strategy of the Office of the High Commissioner for Refugees, adopted on 11 October 1996 by the Executive Committee, aimed at bringing about accelerated repatriation (gradual closing of the camps, processing of individual requests for refugee status, strict application of the exclusion clause with regard to alleged perpetrators of genocide, their separation from other refugees and handing over to the International Tribunal). The current military, political and humanitarian crises in Zaire had completely disrupted that entire strategy. That conflict, which was rooted in the continuing presence of masses of Rwandan refugees on Zairian soil, triggered a mass exodus of refugees towards regions that were inaccessible to humanitarian organizations. In the face of such a grave crisis, the international community had hesitated for a long time before taking action.

26. Given the urgency of the situation, he recommended that the United Nations should: immediately take appropriate steps to deploy the international force established by the Security Council to dispatch emergency assistance to the refugees and repatriate such refugees in conditions of security and dignity; substantially increase the number of human rights observers and deploy them along the humanitarian corridors and in the main reception centres; provide resources to the international and non-governmental organizations in order to enable them to provide protection and humanitarian assistance to the refugees streaming into Rwanda; urgently convene an international conference on the Great Lakes region in order to resolve all the problems, and convene, if necessary, an extraordinary session of the Commission on Human Rights to specifically consider

the protection of human rights; adopt confidence-building measures to prevent the outbreak of a widespread conflict. In the short and medium terms, the United Nations should make available to the International Tribunal sufficient human and material resources to enable it to carry out its mission; request States to extradite for trial persons sought by the International Tribunal whom they allowed to remain in their territory; assist the Rwandan Government in initiating and carrying out the prosecution of the alleged perpetrators of the genocide; lastly, call upon the Government of Rwanda to take steps to ensure that human rights and fundamental freedoms were respected.

27. Mr. CUMARASWAMY (Special Rapporteur on the Independence of Judges and Lawyers), speaking also on behalf of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, introduced the interim report on the situation of human rights in Nigeria. The international community was deeply concerned about the situation in that country, especially since the execution of Mr. Ken Saro-Wiwa and eight other Ogoni leaders, following a trial that had fallen well short of international standards for a fair trial. Consequently, it had been decided, pursuant to Commission on Human Rights resolution 1996/79, to call upon the Nigerian Government to accede to the request of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Special Rapporteur on the Independence of Judges and Lawyers to pay a joint visit to Nigeria.

28. However, despite an extensive exchange of communications, it had not been possible to reach agreement on the dates and modalities of such a visit. The Special Rapporteurs had therefore been unable to undertake their mission prior to the finalization of the interim report. The Nigerian Government, while reiterating its commitment to acceding to the request of the Special Rapporteurs, had indicated that it had recently had to cope with a number of successive visits to Nigeria, including from the United Nations, the African Commission on Human and People's Rights, and the Commonwealth Ministerial Action Group. Consequently, it had become difficult for the Nigerian Government to accede to the request for a new mission in the specified time-frame. However, after a date had been set, the question of the mission's duration had in turn been the subject of an exchange of communications. After consultations with the Permanent Representative of Nigeria to the United Nations Office at Geneva, it had been decided that in view of the size and diversity of Nigeria, it would be advisable for the visit to last 20 days. The Nigerian Government, expressing the view that there was no compelling reason to extend the visit beyond eight days, and that the decisions concerning the itinerary, as well as places and persons to be visited, should be mutually agreed between the Special Rapporteurs and Nigerian officials, had gone back on its decision to welcome the Special Rapporteurs on the proposed dates and had, since that time, left the issue in limbo. In the view of the Special Rapporteurs, that clearly demonstrated the recalcitrant attitude of the Government of Nigeria.

29. While the Nigerian Government emphatically professed its commitment to the transition to civilian rule and respect for human rights, its actions demonstrated something far different. The country was governed by military decrees and the rule of law was not respected. Some journalists, lawyers and human rights activists, including lawyers Gani Fawehimni and Beko Ransome-Kuri, who had criticized the Government and questioned the legality of its actions, had been arbitrarily detained without trial or sentenced to prison by special

tribunals, and were imprisoned under horrid conditions. Mr. Beko Ransome-Kuti, in particular, was said to be suffering from malaria and malnutrition. Generally speaking, most detainees often went hungry, were deprived of medical care and were said to be subjected to ill-treatment and even torture.

30. Numerous allegations had been received concerning the excessive use of force by the police or military in carrying out arrests during demonstrations, which had led to numerous deaths. Recently, in Kaduna, about 50 demonstrators had been killed when the police had indiscriminately fired upon a crowd.

31. The Nigerian Government's indifference to world opinion had once again been demonstrated a few days earlier, when that country's authorities had detained three members of Amnesty International, who had, however, been released shortly thereafter. In view of the unacceptable nature of such human rights violations, the General Assembly must express its deep concern over the recalcitrant attitude of the Nigerian Government to world opinion and adopt measures that were commensurate with the magnitude of human rights violations that had been and continued to be committed by the Government of Nigeria.

32. Mr. EGWA (Nigeria) said that his Government, like all the other States Members of the United Nations, was working to promote human rights and cooperating with the relevant United Nations agencies. The Special Rapporteur appeared to have been inadequately informed about the actual situation in Nigeria, and some aspects of his report appeared to be based on rumours.

33. With regard to the visit by the special rapporteurs to his country, he stressed that his Government had done everything in its power to make it possible. Furthermore, it should be pointed out that Nigeria had recently been visited by many United Nations missions, and they had been successful, as was clear from the evidence contained in reports issued subsequently. His Government emphasized that it was therefore not at all opposed to a visit by the special rapporteurs, but that, naturally, the timing of such a visit should be agreed upon in advance by the parties if it was to take place in favourable circumstances. His Government, in an exchange of letters with the special rapporteurs, had suggested dates for their visit, and his delegation had no knowledge of any move by his Government to postpone that visit. His Government in no way intended to complicate the task of the special rapporteurs; on the contrary, it reasserted its resolve to cooperate with them in carrying out their mandate.

34. As for the cases of Mr. Gani Fawehimni and Mr. Beko Ransome-Kuti, who were still imprisoned, it should be pointed out that they were being well treated and were in good health. They were represented by a lawyer and received daily visits from members of their families. His delegation was sure that his Government and the special rapporteurs would shortly agree on a date for a visit to Nigeria.

35. Mr. VENUSTE (Rwanda) said that the Special Rapporteur's report on his country (A/51/657) highlighted three questions of major importance for both the international community and the Rwandan Government, namely, the progress of efforts to bring to trial those involved in the genocide, possible violations of human rights in Rwanda and the return of refugees.

36. It was important to realize that his Government was not to blame, but should rather be supported in its efforts to rebuild and restore the country and repatriate the refugees. The situation in Rwanda was the direct consequence of genocide, the perpetrators of which had not been brought to justice. Justice had to be respected, impunity opposed and the rule of law re-established. To that end, all States should support and assist the International Tribunal for Rwanda and help to strengthen the Rwandan judicial system.

37. His Government, for its part, was doing everything within its power to fight against impunity and had recently passed laws punishing the crime of genocide. Despite the difficulties faced by the Rwandan courts in carrying out their task successfully, the trials of the suspected perpetrators of genocide should begin without further delay. As for the administrative mechanisms that had been set up, such as the sorting commissions or the commissions for settling land disputes, it must be acknowledged that they had been created in exceptional circumstances, as a result of the genocide, which explained their possible imperfections. Lastly, his delegation welcomed the return of refugees, which had begun a few days previously, and hoped that the return would be carried out in such a way as to respect human rights and further the social reintegration of the refugees.

38. Mr. OULD SID'AHMED (Mauritania) said that while the promotion of peace and security was one of mankind's main objectives, the world continued to be faced with ethnic conflicts and wars which had a variety of origins. It was not only up to the military and political authorities to solve those problems; culture and thinking were also increasingly playing a role. UNESCO was working to guarantee the free exchange of ideas and greater intercultural awareness. He paid tribute to the Director-General of UNESCO for his efforts to ensure the success of the broad-based UNESCO project entitled "Towards a culture of peace". His Government was enthusiastic about the idea of a culture of peace, and was ready to cooperate with UNESCO in reaching the project goals. He urged all Member States to do the same.

39. He added that, since 1986, his Government had been implementing a general democratization programme which had led to a multi-party State and freedom of the press, as shown by the 30 or so daily papers and magazines that appeared every day, allowing the free dissemination of ideas.

40. Mr. RABIA (United Arab Emirates) said that his delegation, having carefully read the report by the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions (A/51/457), challenged the untruthful remarks in some paragraphs of the report on the legal and judicial systems of the United Arab Emirates.

41. Those systems, based as they were on the Shariah, were characterized by tolerance and respect for human rights. It was therefore disturbing to note just how little the Special Rapporteur knew about criminal procedure in his country and the rigour with which the relevant authorities carried out investigations in order to avoid any injustice.

42. In paragraphs 27, 81 and 85 of his report, the Special Rapporteur suggested that the United Arab Emirates intended to carry out extrajudicial executions, which was completely untrue. The fact was that the Special Rapporteur's

assistants had gleaned their information from ill-intentioned people who knew nothing of the realities in his country. For example, in the case of the Filipino girl found guilty of murdering her employer, the Special Rapporteur, who referred to that case on several occasions, omitted to mention that she had been granted an amnesty and had returned to her own country. In that connection, it should be pointed out that the judicial system based on the Shariah provided for the death penalty in such cases. However, the death penalty was very rarely carried out and, even then, only by presidential decree.

43. Information on human rights must be collected with the utmost objectivity, particularly in the case of extrajudicial executions. For its part, the Government of the United Arab Emirates respected human rights and the rules of international law, as well as the language, culture, customs and beliefs of foreigners resident in its national territory, as required by the laws of Islam.

44. Mrs. FERRARO (United States of America), speaking on agenda item 100 (d), said that the Vienna Declaration and Programme of Action were a vital landmark in the development of human rights and the most comprehensive and far-reaching affirmation of human aspirations in that area. The Declaration reaffirmed the universality of those rights, which thus belonged to everyone; no State could deny the right of its people or others to defend human rights throughout the world. The Programme of Action aimed to give substance to that principle of universality by reminding States of their solemn commitment, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. In particular, the two documents recognized the full equality before the law of ethnic, religious and national minorities, and stipulated that States should ensure that those minorities were able to exercise their fundamental rights without discrimination.

45. Nevertheless, some countries seemed to have trouble understanding terms like "solemn commitment" or "universal respect". The gulf between their words and their deeds made their commitment suspect, to say the least. Yet there were forces which no State could resist, such as the movement towards equal women's rights. The Vienna Declaration, in its recognition that the fundamental rights of women and the girl child were an inalienable and indivisible part of universal human rights, and in its affirmation that equal participation by women in social life and the eradication of all forms of discrimination on grounds of sex should be two priorities of the international community, had paved the way for the holding in Beijing of the Fourth World Conference on Women, where the spirit of Beijing had been summed up by President Clinton's wife when she had said: "Women's rights are human rights and human rights are women's rights". Those historic words were not just another catch-phrase, to be tossed aside when the spotlight moved on to other subjects, but words full of meaning for Americans.

46. The Government of President Clinton had always sought to empower women to take their rightful place in public and private life, and they had played a substantial role in his Administration, allowing them to make their contribution to the drafting of the Vienna Declaration and Programme of Action. Keen to give effect to the recommendations of the Beijing Platform for Action in the United States, the President had immediately established an inter-agency council on women, which was instructed to identify ways in which the Federal Government could implement the Platform. Subsequently, the Labour, Commerce and Justice

Departments and the Departments of Agriculture and Health had launched various programmes aimed at enhancing the status of women in American society.

47. The Vienna Conference had set the international community a challenge which it could not be sure of meeting. But, despite the scale of the task, it should not give up. Rather, it should consider the ideals embodied in the Declaration as a kind of universal conscience and a benchmark against which it could measure both of its achievements and its shortcomings.

48. Mr. NAJEM (Lebanon) said that Israel continued to occupy large areas of southern Lebanon, in blatant contravention of United Nations resolutions, notably Security Council resolution 425 (1978), and all the resolutions on human rights, in particular those of the Commission on Human Rights. Those rights, to which Lebanon remained deeply attached, were flouted daily by the Israeli occupation forces, whose actions in Lebanese territory constituted a flagrant violation of the fourth Geneva Convention of 1949, the Hague Convention IV of 1907, the rules of international law and the Charter of the United Nations.

49. Israeli forces were committing all kinds of abuses in southern Lebanon: the destruction of homes and the confiscation of property; the arrest of Lebanese citizens and their detention for years without trial in camps situated in Lebanese territory and even in Israel; the indiscriminate shelling of villages by heavy artillery; and air raids against both economic and civilian objectives, such as the United Nations refugee camp in Qana, which was bombed deliberately by the Israeli air force on 16 April 1996, leaving 100 innocent victims, the majority of them women and children. All such practices were nothing more than acts of terrorism.

50. The Commission on Human Rights had adopted numerous resolutions condemning Israel's persistent violations of human rights in southern Lebanon and calling upon that country, as the occupying power, to respect the Geneva Convention and to desist from arbitrary practices. Yet Israel gave no heed to those resolutions, as if it considered itself above the law. Lebanon therefore urged the international community to fulfil its obligations and insist that Israel should respect the instruments which constituted international law, in particular resolution 425 (1978), in which the Security Council called upon Israel to withdraw from Lebanon as far as the internationally recognized boundaries. If the human rights situation were to be improved and peace achieved in the region, the Israeli forces must first withdraw from Lebanon.

51. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that his report (A/51/457) focused on the need to afford greater protection to the absolutely fundamental, and yet most threatened right of all, the right to life. Under the constant supervision of the Commission on Human Rights, he examined situations which constituted violations of that right, namely the imposition of capital punishment; death threats and fear of imminent extrajudicial, summary or arbitrary executions; deaths in custody; deaths attributable to the use of force by law-enforcement officials; violations of the right to life during armed conflicts, especially of the civilian population; the expulsion or refoulement of persons to countries in which their lives were in danger; genocide and ethnic conflicts; breaches of the obligation to investigate all alleged violations of the right to life; breaches of the obligation to provide compensation to victims or their families.

52. While he lacked the human resources which would enable him to discharge his mandate throughout the world, he had attempted nevertheless to streamline his working methods, his sole concerns being the fate of victims, impartiality, absolute independence and the need for dialogue both with those who made allegations of extrajudicial, summary or arbitrary executions and those whose obligation it was to respond to them. He had also sought to monitor the progress of those allegations by sending follow-up communications to Governments which had not responded to the allegations or which had responded in a manner which could not be considered satisfactory. He had transmitted urgent appeals in cases where there was a fear of imminent execution and had made an ever increasing number of joint urgent appeals with other Special Rapporteurs and independent experts. He had also made recommendations with a view to preventing violations of the right to life.

53. Even as he spoke, women, children and older persons were fleeing death - or rather running to their deaths - in the Great Lakes region. Nothing had been done to avert that catastrophe, although it was all too clear that it had been simmering in the refugee camps, where the authors of the genocide and the systemic campaigns of political assassinations had sought cover behind populations whom they had kept under their yoke. Still nothing had been done to stop that tragedy and prevent criminals and innocents alike from being collectively condemned to certain death at the hands of their brothers, who were unable to distinguish between vengeance and justice.

54. On another scale and in another region, he had been powerless to prevent the murder on 13 October 1996 of Josué Jiraldo, a Columbian human rights activist and member of Unión Patriotica, on whose behalf he had twice appealed to the Colombian Government to protect him from the paramilitary groups who had threatened his life.

55. The report he was introducing was a pale reflection of those atrocious realities and of the feeble efforts made to put an end to them. In outlining the situation in 91 countries on every continent, he was attempting to show the extent of violations of the right to life - of persons exercising their right to freedom of opinion and expression; of members of national or ethnic, religious or linguistic minorities; of those who rejected the law of the strongest; and of women and children, who were often victims of summary executions, particularly when they were forced to flee by famine or civil war, or when they found themselves in towns under siege or which were surrounded by minefields, as had been the case in Angola, Bosnia and Herzegovina, and Chechnya.

56. Since 1992, he had made urgent appeals on behalf of 6,500 individuals, as well as innumerable groups of refugees, displaced persons and those under siege or forced to flee their countries. Information on more than 9,000 cases had been studied and transmitted to the Governments involved. He had been invited to make a number of on-site visits by cooperative Governments and United Nations missions. He had, for example, made three visits to the former Yugoslavia in 1992, accompanied by the former Special Rapporteur, Mr. Mazowiecki, and two visits to Rwanda (before and after the genocide). He had also visited Peru, Colombia (together with the Special Rapporteur of the Commission on Human Rights on questions relating to torture), Indonesia and East Timor, and Papua New Guinea. In 1996, he had attempted in vain to visit Nigeria, together with another Special Rapporteur. He had received invitations from the Governments of

Algeria, Sri Lanka and the United States. He had been trying for several years to go to China, Turkey, India, Bangladesh and Tajikistan, and, for one year to go to Mexico. While those visits had commanded attention, the same could not be said of his recommendations, which were ignored both by the majority of Governments currently in power and by the other bodies of the United Nations.

57. He had focused on three issues in particular: the death penalty impunity and the prevention of human rights violations through cooperation among Governments, organs of the United Nations and non-governmental organizations.

58. With regard to capital punishment, while some countries, such as the new South Africa, had abolished it, believing it to be not only a violation of the right to life, but the most cruel, inhuman and degrading type of treatment, other countries had expanded the application of the death penalty. Thus, the United States, China and Côte d'Ivoire, to name but a few, had broadened the scope of the penalty, in flagrant violation of article 6 of the International Covenant on Civil and Political Rights, and other countries, such as Egypt and Belarus, had deprived those facing the death penalty of essential safeguards in respect of judicial procedure. He requested the General Assembly to adopt a resolution urging all Governments to ensure the abolition of the death penalty by the year 2000 and to adopt interim measures, such as a six-month period between sentencing and execution, so as to reduce arbitrary sentences to a minimum and to allow for the execution of appeals. In view of the large number of deaths in custody as a result of excessive use of force, torture, the lack of care and inhumane conditions of detention, he had proposed that the Commission on Human Rights should be requested to designate a special rapporteur on prison conditions.

59. With regard to the question of impunity, he had expressed appreciation to the International Law Commission for submitting the draft Code of Crimes against the Peace and Security of Mankind. He had also welcomed the establishment of the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, despite the enormous difficulties with which they had to cope. Efforts should continue for the establishment of an international criminal court to combat the impunity enjoyed by the perpetrators of the most serious crimes against humanity, the worst war criminals and the worst violators of human rights, who went unpunished as a result of defunct or seriously flawed judicial systems and pro domo amnesty laws.

60. As to the prevention of human rights violations, he recalled the indifference with which his report on Rwanda, prepared shortly before the genocide had been greeted, it was hardly reassuring to be told continually that he should from then on address himself to United Nations High Commissioner for Human Rights, who, however well-intentioned, did not have effective means available for preventing humanitarian disasters. In that connection, he had recommended that States should make greater efforts to prevent genocide, rather than intervening when it was clearly too late. In his view, a mechanism should be put in place to monitor the implementation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

61. Mr. REYES RODRIGUEZ (Cuba) requested the Special Rapporteur, first, to specify the admissibility criteria that were applied, in terms of the plausibility, objectivity and credibility of the reports, when it came to

66. Mr. OTUYELU (Nigeria) drew the Committee's attention to the fact that the Special Rapporteur of the Commission on Human Rights, in submitting his report on Nigeria, had stated that many persons had been sentenced by a special tribunal and executed. While intending to comment subsequently on the political aspects of the Special Rapporteur's statement, he wished to ask the Special Rapporteur on extrajudicial, summary or arbitrary executions whether there had been any executions in Nigeria since that of Mr. Saro-Wiwa. In addition, he noted that malaria occurred not only among prisoners, but among the entire Nigerian population. Lastly, with regard to the demonstrators killed by police in Kaduna, he said that the police, too, were entitled to defend themselves.

67. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that he would refrain from commenting on the joint report on Nigeria submitted by the two Special Rapporteurs of the Commission on Human Rights. He suggested that the Nigerian representative should put his questions to Mr. Cumaraswamy, who had delivered an oral presentation of the report.

68. The special tribunals in Nigeria did not observe the minimum safeguards relating to judicial impartiality and the right to a defence. He hoped to discuss a reform of those tribunals with the Nigerian Government; unfortunately, however, the Government had not yet given him the opportunity to do so.

69. With regard to the inter-ethnic tensions, it was the Government's obligation to prevent them and, if they occurred nonetheless, to use the police in a manner consistent with the rules governing the use of force by those responsible for enforcing the laws, the aim being to neutralize, not to kill. He hoped that the Government would allow the two Special Rapporteurs to visit Nigeria so that they could discharge their mandate.

70. Mr. OTUYELU (Nigeria) reiterated that there had been no executions in his country since that of Mr. Saro-Wiwa.

The meeting rose at 12.40 p.m.

transmitting to Member States communications received by the Centre for Human Rights and the Special Rapporteur, and, second, with regard to the right to life, to indicate how the distinction could be preserved between arbitrary executions and the application of the death penalty in accordance with the laws of each country and the right of each State to impose such a penalty, subject to the appropriate safeguards.

62. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that he welcomed the opportunity to engage in a dialogue with delegations in order to strengthen the rights which all members of the Committee were presumed to uphold, including the right to life. The admissibility criteria had been defined earlier in the report which he had submitted to the Committee in 1993. He received allegations from various sources, including a number of non-governmental organizations and other organizations and individuals. His role was simply to transmit the allegations, which did not originate with him, but with the organizations that transmitted them to him. The credibility of such organizations could not always be assessed, especially in the case of organizations unfamiliar to him. He endeavoured subsequently to assess the degree of accuracy of the allegations. When the facts of a case were sufficiently well established and clearly presented, the Government concerned should be able to confirm them without difficulty. He and his two assistants in Geneva could not be expected to undertake that task. It fell to Governments to fulfill their obligation to investigate the allegations, and to him to monitor the way in which they did so. Moreover, in order to avoid having to go through massive reports to select the information to be transmitted, he had drawn up a questionnaire in 1995 addressed to his informants (non-governmental organizations and the like).

63. With regard to the distinction between summary executions and the death penalty, he believed that one could not consider depriving a person of his life without providing adequate safeguards, involving, first, verification of the facts of the case, and, second, the rules promulgated by the Economic and Social Council for the treatment of prisoners under the sentence of death. In particular, the safeguards involved protection of the right to a defence, the right to be assisted by a lawyer and an interpreter, and protection against torture. Once a person had been sentenced to death, an appeals procedure should be initiated in order to obtain a review of the facts of the case, and, second, the rules promulgated by the Economic and Social Council for the treatment of prisoners under sentence of death. In particular, the safeguards involved protection of the right to a defence, the right to be assisted by a lawyer and an interpreter, and protection against torture. Once a person had been sentenced to death, an appeals procedure should be initiated in order to obtain a review of the facts of the case. If the court confirmed the death sentence, the condemned person should have the right to seek pardon.

64. Mr. KRA (Côte d'Ivoire) said that, while the death penalty was provided for by law, it had not been applied in his country for over 30 years.

65. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that, while he concurred with the previous speaker, he was concerned about new laws which could lead to application of the death penalty or entail a speed-up in procedure inconsistent with the minimum safeguards that should be provided to persons under sentence of death.